

Senate Study Bill 1099 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

A BILL FOR

1 An Act including personal degradation as a form of dependent
2 adult abuse by caretakers in facilities and programs
3 regulated by the department of inspections and appeals.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 235E.1, subsection 5, paragraph a, Code
2 2017, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (3) Personal degradation of a dependent
4 adult. "*Personal degradation*" means a willful act or statement
5 by a caretaker intended to shame, degrade, humiliate, or
6 otherwise harm the personal dignity of a dependent adult, or
7 where the caretaker knew or reasonably should have known the
8 act or statement would cause shame, degradation, humiliation,
9 or harm to the personal dignity of a reasonable person.
10 "*Personal degradation*" includes the taking, transmission,
11 or display of an electronic image of a dependent adult by a
12 caretaker, where the caretaker's actions constitute a willful
13 act or statement intended to shame, degrade, humiliate, or
14 otherwise harm the personal dignity of the dependent adult, or
15 where the caretaker knew or reasonably should have known the
16 act would cause shame, degradation, humiliation, or harm to the
17 personal dignity of a reasonable person. "*Personal degradation*"
18 does not include the taking, transmission, or display of
19 an electronic image of a dependent adult for the purpose
20 of reporting dependent adult abuse to law enforcement, the
21 department, or other regulatory agency that oversees caretakers
22 or enforces abuse or neglect provisions, or for the purpose of
23 treatment or diagnosis or as part of an ongoing investigation.
24 "*Personal degradation*" also does not include the taking,
25 transmission, or display of an electronic image by a caretaker
26 in accordance with the facility's or program's confidentiality
27 policy and release of information or consent policies.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill includes personal degradation as a form of
32 dependent adult abuse by caretakers in facilities and
33 programs regulated by the department of inspections and
34 appeals. The bill provides that personal degradation is a
35 willful act or statement by a caretaker in a facility or

1 program that is intended to shame, degrade, humiliate, or
2 otherwise harm the dependent adult's personal dignity; or a
3 willful act or statement by a caretaker where the caretaker
4 reasonably should have known the act or statement would
5 shame, degrade, humiliate, or otherwise harm the dependent
6 adult's personal dignity. Personal degradation includes the
7 taking, transmitting, or displaying of an electronic image
8 of a dependent adult by a caretaker, where the caretaker
9 intended to cause or should have known such act would cause
10 shame, degradation, or humiliation, or otherwise harm the
11 personal dignity of the dependent adult. The bill creates an
12 exception for electronic images that are taken, transmitted, or
13 displayed for the purposes of treatment, diagnosis, or ongoing
14 investigation. The bill provides personal degradation does
15 not occur when a caretaker takes, transmits, or displays an
16 electronic image in accordance with the facility's or program's
17 release of information or consent policies.